

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

NATALIE SOTO,

Plaintiff,

Civil Action

File No.: **1:24-cv-02911-SDG**

v.

WENDELL HOLMES, JR.,

Defendant.

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT’S  
“MOTION TO AMEND DEPOSITION TESTIMONY AND STATEMENT  
OF FACTS” AND BRIEF IN SUPPORT**

COMES NOW, Plaintiff Natalie Soto, by and through undersigned counsel, and files this Response in Opposition to Defendant Wendell Holmes Jr.’s “Motion to Amend Deposition Testimony and Statement of Facts” [Doc 31] , showing the Court as follows:

**I. INTRODUCTION**

Defendant seeks to “amend” sworn deposition testimony given under oath by submitting a post-deposition statement admitting to perjury. While the Plaintiff acknowledges the importance of candor before the Court, Defendant’s motion is procedurally improper, legally insufficient, and fails to remedy the harm caused by his intentional misrepresentation under oath.

## **II. ARGUMENT AND AUTHORITY**

### ***A. Defendant's Attempt to "Amend" Testimony is Not Proper Under the Federal Rules of Civil Procedure***

Federal Rule of Civil Procedure 30(e) allows a deponent to review and make changes to their deposition transcript in form or substance within 30 days after being notified that the transcript or recording is available. Here, Defendant does not assert he is making timely corrections under Rule 30(e), nor has he identified any procedural basis for the relief he now seeks. Instead, Defendant admits that he intentionally lied under oath, then seeks to "correct" his falsehood without subjecting himself to the proper consequences of perjury.

### ***B. Defendant's Admission Confirms the Plaintiff's Claims and Undermines His Credibility***

Defendant now concedes that he did share the Plaintiff's nude photo with a third party, directly contradicting his sworn denial during deposition. This admission, made only after being confronted with audio evidence, corroborates Plaintiff's claims and demonstrates Defendant's lack of credibility. Plaintiff reserves the right to seek appropriate relief, including sanctions or evidentiary rulings based on Defendant's false testimony.

### ***C. Defendant's Allegations Regarding the "Mishandling" of Other Photos Are Irrelevant and Unsupported***

Defendant's attempt to deflect attention by raising issues about unrelated photographs allegedly shared by the Plaintiff, her attorney, or the Court is both unsupported and immaterial to the central issue—his own misconduct. The Court should disregard these claims as irrelevant and speculative.

### **III. CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that the Court DENY Defendant's Motion to Amend Deposition Testimony and Statement of Facts. Plaintiff further requests that the Court strike Defendant's submission to the extent it contains immaterial, impertinent, or scandalous matter under Rule 12(f), and reserves the right to pursue additional remedies as appropriate.

Respectfully submitted, this 24th day of March, 2025.

/s/ Joseph W. Weeks  
Joseph W. Weeks  
Attorney for Plaintiff  
Georgia Bar No. 912341

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404-373-3131 (phone)  
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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing motion was prepared using a font and point selection approved by the Court in LR5.1(C), NDGa.

This 24th day of March, 2025.

/s/ Joseph W. Weeks  
Joseph W. Weeks  
Attorney for Plaintiff  
Georgia Bar No. 912341

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within and foregoing PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT’S “MOTION TO AMEND DEPOSITION TESTIMONY AND STATEMENT OF FACTS” AND BRIEF IN SUPPORT has been served upon all parties to this action at the below mailing address and/or email address:

Wendell Holmes, Jr., *Pro Se*  
5934 Rosie Lane, SE  
Mableton, GA 30126  
wendellholmesjr@gmail.com

This 24th day of March, 2025.

/s/ Joseph W. Weeks  
Joseph W. Weeks  
Attorney for Plaintiff  
Georgia Bar No. 912341

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